

## McCARRON & DIES

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Focusing on Cases under  
the Perishable Agricultural  
Commodities Act (PACA)

¤ Not admitted in DC  
△ Not admitted in NY

Reply to New York office

April 11, 2014

### VIA ECF ONLY

Hon. Arthur D. Spatt  
United States District Court  
100 Federal Plaza  
Central Islip, New York 11722

**Re: Chiquita Fresh North America, LLC v. Long Island Banana Corp;  
Case No. 14-cv-982**

Honorable Sir:

We are the attorneys for plaintiffs in the above-referenced matter and write to briefly respond to the April 10, 2014 letter from defendants' counsel.

Defendants' objection that plaintiffs failed to specify a time period from which documents should be produced is perplexing. The request is purposefully broad, and should be construed to relate to all time periods in which defendants' had an ownership interest in the 596 property. Since that information is solely within defendants' custody and control, plaintiffs should not bear the burden of specifying it in their demand.

To the extent defendants intend to object to plaintiffs' discovery demands on the ground that the documents are privileged, it is respectfully requested that defendants be required to serve plaintiffs with a privilege log as contemplated by Fed. R. Civ. P. 26(b)(5).

With respect to Defendants' discovery demands to plaintiff (which were not contemplated by your Honor's order), the status of plaintiffs' standing as PACA Creditors is not in dispute as a result of the terms of the consent injunction. To the extent defendants would like to confirm that plaintiffs possess valid PACA licenses, that information is public, and can be reviewed on the USDA's website at the following address: <http://apps.ams.usda.gov/pacasearch/>

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Thank you for your attention to this matter.

Respectfully yours,  
McCarron & Diess

By:

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Gregory Brown



cc.: All Counsel of Record (via ECF)